IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 760 (M/S) of 2006

(Under Article 226/227 of the Constitution of India)

District Dehradun.

1. Shri Bhagwan Singh son of Shri Ram Chandra
   President Shri Guru Singh Sabha
   Prabandhak Committee Lal Tappar, Resham Majri,
   District Dehradun.
2. Shri Satyapal Singh S/o Shri Jagir Singh
   Secretary Shri Guru Singh Sabha
   Prabandhak Committee Lal Tappar, Resham Majri,
   District Dehradun. …….Petitioners

Versus

1. Court of Additional District Judge/F.T.C.6, Dehradun.
2. Smt. Shikha Copora W/o Shir Dinesh Chopra
   President Pavitra Ganga Gramin Utthan Samiti
   Resident of Chopra Book Suppliers, Bankhandi Gram
   Rishikesh District Dehradun ……Respondents.

Mr. B.P.S. Mer, Counsel of the Petitioners

Standing Counsel for the respondent no.1.

Dated 20.6.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition the petitioners have prayed for a writ of certiorari, quashing the order dated 9th May, 2006 passed by the Additional District Judge/F.T.C. 6, Dehradun.

Briefly stated according to the case of the petitioners regarding the property measuring area 0.20 acres in Khasra No. 1200/8/3 Khatoni No. 887 village Lal Tappar Resham Majri, District Dehradun, Suti No. 31 of 2005 was filed by the respondent no. 1 against Bhagwan Singh, Praying for permanent injunction restraining the petitioners from interfering in the construction work . Petitioners have filed the written statement. Alongwith the suit, the respondent no. 2 has filed an application for interim injunction and the order was passed maintaining status-quo on 6th August, 2005. The respondent no. 2 has preferred a Civil Misc. Appeal No. 151 of 2005 (Shikha Chopra Vs. Bhagwan Singh) and has filed the application for interim injunction.

Petitioners have submitted that without issuing notice to the petitioners, the order has been passed allowing the application and restraining the petitioners from interfering with the possession of the respondent no.2 Petitioners have submitted that the application has been decided exparte, and as such liberty is given to the petitioners to file an application for recalling of the order dated 9th May, 2005, which

shall be decided by the Presiding Officer, and prayer for hearing the misc. appeal shall also be considered by the Presiding Officer.

Petitioners have further submitted that Dehradun Court is closed, and as such it is not possible to move an application at Dehradun. In view of aforesaid, for a period of fifteen days the parties are directed to maintain status-quo as per order dated 6th August, 2005.

The appellate Authority while deciding the Misc. Civil Appeal shall not be prejudiced of by the present order.

Subject to above, writ petition is disposed. No order as to costs.

Dated 20.6.2006 **(Rajesh Tandon, J.)**